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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,815	03/22/2004	Brian W. Bland	25096B	9951
22889	7590	06/01/2005		
OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023			EXAMINER RINEHART, KENNETH	
			ART UNIT 3749	PAPER NUMBER
DATE MAILED: 06/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/805,815	<b>Applicant(s)</b> BLAND ET AL.	
	<b>Examiner</b> Kenneth B Rinehart	<b>Art Unit</b> 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29, 42-52, 58 and 59 is/are allowed.
- 6) ☒ Claim(s) 14, 15, 22, 23, 27, 28, 30, 31, 53, 54 and 60-62 is/are rejected.
- 7) ☒ Claim(s) 16-21, 24-26, 32-41 and 55-57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/31/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the asphalt, filler lime feed, surface granules, building, nails wood, siding, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

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Claim 62 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend upon another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 61, and 62 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 61 refers to the combusting is within the precalciner which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa et al (4295823). Ogawa et al introducing the building materials into a combustion chamber (col. 3, line 40, 13, fig. 1); combusting a combustible portion of the building materials as a fuel within

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the combustion chamber (fig. 1, col. 3, lines 9-21); and using the noncombustible portion of the building materials as one of a clinker material or an emissions reduction material ((col. 3, lines 26-28),

Claims 14 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Pennel (4081285). Pennel shows introducing the building materials into a combustion chamber (140, fig. 3); combusting a combustible portion of the building materials as a fuel within the combustion chamber (26, fig. 3); and using the noncombustible portion of the building materials as one of a clinker material or an emissions reduction material (4D, 7, FIG. 3), removing the building materials from a building before introducing the building materials into a cement kiln or a boiler (col. 6, lines 1-18, col. 7, line 62).

Claims 14, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by 190712. 190712 shows introducing the building materials into a combustion chamber; combusting a combustible portion of the building materials as a fuel within the combustion chamber ; and using the noncombustible portion of the building materials as one of a clinker material or an emissions reduction material, removing the building materials form a building before introducing the building materials into a cement kiln, the building materials comprise siding (Abstract).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pennel (4081285) in view of Malmgren (4571137). Pennel discloses introducing the building materials into a combustion chamber (140, fig. 3); combusting a combustible portion of the building materials as a fuel within the combustion chamber (26, fig. 3); and using the noncombustible portion of the building materials as one of a clinker material or an emissions reduction material (4D, 7, FIG. 3), removing the building materials from a building before introducing the building materials into a cement kiln or a boiler (col. 6, lines 1-18, col. 7, line 62). Pennell discloses applicant's invention substantially as claimed with the exception of the building materials comprise siding. Malmgren teaches the building materials comprise siding (col. 1, line 21) for the purpose of providing an alternative solid fuel. It would have been obvious to one of ordinary skill in the art to modify Pennell by including the building materials comprise siding as taught by Malmgren for the purpose of providing an alternative solid fuel to increase the supply of fuel and thus overcome high energy prices.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pennel (4081285) in view of Rehmat (5163374). Pennel (4081285) discloses introducing the building materials into a combustion chamber (140, fig. 3); combusting a combustible portion of the building materials as a fuel within the combustion chamber (26, fig. 3); and using the noncombustible portion of the building materials as one of a clinker material or an emissions reduction material (4D, 7, FIG. 3), the organic portion of the building material is combusted and an inorganic portion of the building material ... (26, 7, fig. 3). Pennell discloses applicant's invention substantially as claimed with the exception of used as an emissions reduction device. Rehmat teaches used as an emissions reduction device (col. 4, lines 46-50, col. 5, lines 4-15) for the purpose of reducing air pollution.

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It would have been obvious to one of ordinary skill in the art to modify Pennell by including used as an emissions reduction device as taught by Rehmat for the purpose of reducing air pollution to meet clean air requirements.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pennel (4081285) in view of Rehmat (5163374) as applied to claim 15 above, and further in view of Collins et al (5031549). Pennel (4081285) in view of Rehmat (5163374) discloses applicant's invention substantially as claimed with the exception of the building materials comprise shingles, the shingles comprise asphalt and wherein the recycling process further comprising the steps of combusting said asphalt and an organic substrate of the shingle. Collins teaches the building materials comprise shingles, the shingles comprise asphalt and wherein the recycling process further comprising the steps of combusting said asphalt and an organic substrate of the shingle (col. 2, line 47) for the purpose of incinerating municipal waste. It would have been obvious to one of ordinary skill in the art to modify Pennel by including the building materials comprise shingles, the shingles comprise asphalt and wherein the recycling process further comprising the steps of combusting said asphalt and an organic substrate of the shingle as taught by Collins for the purpose of incinerating municipal waste to reduce the quantity of such waste and produce useable heat.

Claim 30, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins (5031549) in view of Cote (5829368). Collins discloses introducing the shingle into a boiler, combusting the asphalt from said shingle as a fuel in said boiler and (col. 2, line 47, fig. 1), incorporating a surfacing granule as a bed material in said boiler (It is inherent that the shingle will have surface granules which will become a part of the bed). Collins discloses applicant's

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invention substantially as claimed with the exception of using said filler material to reduce emissions from said boiler, fluidized bed. Cote teaches using said filler material to reduce emissions from said boiler (col. 4, lines 46-50, col. 5, lines 4-15) for the purpose of reducing sulphur emission. It would have been obvious to one of ordinary skill in the art to modify Collins by including using said filler material to reduce emissions from said boiler as taught by Cote for the purpose of reducing sulfur emissions in order to meet clean air regulations. Collins (5031549) in view of Cote (5829368) discloses applicant's invention substantially as claimed with the exception of fluidized bed. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have fluidized bed because applicant has not disclosed that the type of boiler provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the boiler of Collins or the claimed boiler because both boilers perform the same function equally well.

Claims 53, 54 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (6213764) in view of Collins et al (5031549). Evans discloses introducing the ... into a cement kiln (abstract), combusting the combustible portion of the ... as a fuel; and incorporating the noncombustible portion of the ... into a clinker material; wherein an organic portion of the ... is combusted and an inorganic portion of the ... is incorporated into the clinker material, and incorporating the noncombustible inorganic portion of the ... into a clinker material (abstract), combusting the resin from a filler material of the ... as a fuel, and incorporating the filler into said cement material as a source of minerals (abstract). Evans discloses applicant's invention substantially as claimed with the exception of shingle, shingles comprise asphalt and wherein the



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recycling process further comprising the steps of combusting said asphalt and an organic substrate of the shingles,. Collins teaches shingle, , shingles comprise asphalt and wherein the recycling process further comprising the steps of combusting said asphalt and an organic substrate of the shingles for the purpose of incinerating municipal waste. It would have been obvious to one of ordinary skill in the art to modify Evans by including shingles, , shingles comprise asphalt and wherein the recycling process further comprising the steps of combusting said asphalt and an organic substrate of the shingles as taught by Collins for the purpose of incinerating municipal waste to reduce the quantity of such waste and produce useable heat.

***Allowable Subject Matter***

Claims 42-52, 58-59 are allowed.

Claims 16-21, 226, 37-41, 55-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kbr

  
**KENNETH RINEHART**  
**PRIMARY EXAMINER**